

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Northern Division**

UNITED STATES OF AMERICA, :

Plaintiff, :

v. : **Civil Action No.**

\$4,030 in U.S. CURRENCY, :

Defendant. :

• • • • •

VERIFIED COMPLAINT FOR FORFEITURE

Plaintiff, the UNITED STATES OF AMERICA, by its attorneys, Rod Rosenstein, United States Attorney for the District of Maryland, and Stefan D. Cassella, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION

1. This is a civil forfeiture action against United States currency which was furnished or intended to be furnished in exchange for a controlled substance or listed chemical, or constituted proceeds traceable to an exchange of controlled substances or moneys used to facilitate a violation of 21 U.S.C. § 841, and therefore should be forfeited to the United States of America pursuant to 21 U.S.C. § 881(a)(6).

THE DEFENDANTS IN REM

2. The defendant property consists of \$4,030 in U.S. Currency (hereinafter, the “Defendant Property”).

3. The Defendant Property was seized from Ashley Orlando Wright, Sr., on June 5, 2012, during a traffic stop of a motor vehicle near the 6800 block of Harford Road, Baltimore, Maryland.

JURISDICTION AND VENUE

4. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the Defendant Property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, over an action for forfeiture under 28 U.S.C. § 1355(a), and over this particular action under 21 U.S.C. § 881.

5. This court has *in rem* jurisdiction over the Defendant Property under 28 U.S.C. § 1355(b).

6. Venue is proper in this district pursuant to 28 U.S.C. § 1395 because the property is located in this district.

BASIS FOR FORFEITURE

7. The Defendant Property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it constitutes: (1) money, negotiable instruments, securities and other things of value furnished and intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act; (2) proceeds traceable to such an exchange; and (3) money, negotiable instruments, and securities used and intended to be used to facilitate a violation of the Controlled Substances Act.

FACTS

8. The forfeiture is based upon, but not limited to, the evidence outlined in the attached Declaration of Dennis W. Maye, Special Agent of the Drug Enforcement Administration, which is incorporated herein by reference.

WHEREFORE, THE Plaintiff prays as follows:

1. That any person or persons having any interest therein be cited to appear herein and answer the Complaint;
2. That a Warrant of Arrest *in rem* issue to the United States Marshal commanding the arrest of the Defendant Property;
3. That Judgment of Forfeiture be decreed against the Defendant Property;
4. That upon Final Decree of Forfeiture, the United States Marshal dispose of the Defendant Property according to law;
5. That the Plaintiff has such other and further relief as the case may require.

Dated: December 31, 2012

Respectfully submitted,

Rod J. Rosenstein
UNITED STATES ATTORNEY



Stefan D. Cassella
Assistant United States Attorney
36 South Charles Street
Fourth Floor
Baltimore, Maryland 21201
Tel: (410) 209-4800

DECLARATION

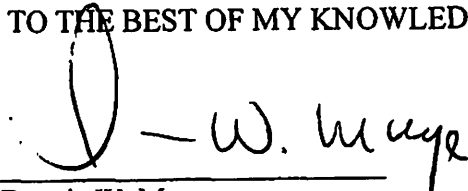
This affidavit is submitted in support of a complaint for forfeiture of \$4,030.00 in United States currency seized on June 5, 2012.

I, Dennis W. Maye, Special Agent with the Drug Enforcement Administration, submit that there are sufficient facts to support a reasonable belief that the \$4,030.00 in United States currency seized on June 5, 2012, constitutes (1) money, negotiable instruments, securities and other things of value furnished and intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act; (2) proceeds traceable to such an exchange; and (3) money, negotiable instruments, and securities used and intended to be used to facilitate a violation of the Controlled Substances Act in violation of 21 U.S.C. § 841, and thus is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

- a. On June 5, 2012, Baltimore City Police Department officers Chandler, Etwaro, and Waters stopped a red Honda Accord bearing Virginia tag XNB2079 (the "Vehicle"), for a traffic violation in the 6800 block of Harford Road, Baltimore, Maryland.
- b. Ashley Orlando Wright, Sr. ("Wright") was the driver of the Vehicle.
- c. The Vehicle is registered to Delisa Desham Gray of Virginia Beach, Virginia, who was not present.
- d. Officers detected the odor of burnt marijuana emanating from the Vehicle.
- e. Wright responded nervously to the officers' questions.
- f. Officers asked Wright to step outside of the Vehicle where they continued to question him.
- g. Officers conducted a probable cause search of the Vehicle.
- h. Officers recovered from the trunk of the Vehicle a black book bag containing a digital scale with residue of suspected marijuana, a vacuum sealed bag containing green plant material suspected marijuana weighing approximately 287 grams, a blue zip lock bag containing green plant material suspected marijuana weighing approximately 49 grams, a sandwich bag containing green plant material suspected marijuana weighing approximately 7 grams, clear freezer zip lock bags with residue of suspected marijuana, and a plastic tray with residue of suspected marijuana.
- i. Officers seized as drug proceeds \$4,030.00 in U.S. currency from Wright's person.

- j. Officers arrested Wright and transported him to Central Booking Intake Facility.
- k. Wright was charged with possession of a controlled dangerous substance ("CDS"), and possession of drug paraphernalia. Wright was also issued a citation for failing to wear a seatbelt.
- l. All of the seized suspected marijuana tested positive for marijuana.
- m. The quantity and manner in which the marijuana was packaged are consistent with packaging for resale and distribution.
- n. A criminal history check was conducted on Wright. Wright has three prior arrests and two prior convictions for CDS violations in the State of Maryland.
- o. An inquiry with the Maryland Department of Labor, Licensing and Regulation for Wright revealed that Wright reported earnings totaling \$9,374.00 for 2012.

I DECLARE UNDER PENALTY OF PERJURY PURSUANT TO TITLE 28 U.S.C. § 1746 THAT THE FACTS SUBMITTED BY THE BALTIMORE CITY POLICE DEPARTMENT, IN REFERENCE TO THE SEIZURE OF \$4,030.00 U.S. CURRENCY FROM ASHLEY WRIGHT ARE ACCURATE, TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.


A handwritten signature in black ink, appearing to read "D - W. Maye", is written over a horizontal line.

Dennis W. Maye
Special Agent
Drug Enforcement Administration

VERIFICATION

I, Stefan D. Cassella, declare under penalty of perjury as provided by 28 U.S.C. § 1746, that the foregoing Verified Complaint for Forfeiture is based on reports and information furnished to me by the Drug Enforcement Administration and that everything contained therein is true and correct to the best of my knowledge and belief.

Dated: December 31, 2012


Stefan D. Cassella
Assistant U.S. Attorney

MEMORANDUM

DATE: December 31, 2012

TO: Kristine Cupp
U.S. Marshal Service

FROM: Naquita C. Ervin
FSA Paralegal Specialist
U.S. Attorney's Office - District of Maryland

RE: **U.S. v. \$4,030 U.S. CURRENCY**

Civil Action No.

CATS ID 12-DEA-569892 – GD-12-0327

The United States has filed a forfeiture action against **\$4,030 U.S. CURRENCY**. A copy of the Complaint for Forfeiture is attached.

Notice of this seizure will be published at www.forfeiture.gov pursuant to Rule G of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims.

Thank you.

Attachment

**U.S. Department of Justice
United States Marshals Service**
**PROCESS RECEIPT AND
RETURN**

PLAINTIFF UNITED STATES OF AMERICA	COURT CASE NUMBER
DEFENDANT \$4,030 U.S. Currency	TYPE OF PROCESS Verified Complaint in Rem

**SERVE
AT**

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
12-DEA-569892 / GD-12-0327

ADDRESS (Street or RFD, Apartment No., City, State, and ZIP Code)

SEND NOTICE OF SERVICE TO REQUESTER AT NAME AND ADDRESS BELOW:

Number of process to be served with this Form - 285

Naquita C. Ervin, FSA Paralegal Specialist
U.S. Attorney's Office
36 S. Charles Street, 4th floor
Baltimore, Maryland 21201

Number of parties to be served in this case

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Address, All Telephone Numbers, and Estimated Times Available For Service)

Arrest property. Fill in the date of arrest in this process receipt and return our copy.

Signature of Attorney or other Originator requesting service on behalf of:

TELEPHONE
NUMBER
410-209-4800

DATE

12/31/12

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process No. _____	District of Origin No. _____	District to Serve No. _____	Signature of Authorized USMS Deputy or Clerk _____	Date _____
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc. at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below).

Name and title of individual served (If not shown above).

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service

Time
am
pm

Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount Owed to US Marshal or	Amount or Refund
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REMARKS: